IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

MONDAY, THE 12TH MARCH 2007 / 21ST PHALGUNA 1928

Crl.Rev.Pet.No. 1060 of 1999(A)

CC.13/1993 of JUDL.MAGISTRATE OF FIRST CLASS COURT-III, PALAKKAD

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REVN. PETITIONER:

P.V. RAVEENDRAN, DEPUTY GENERLA MANAGER
B.P.L.LIMITED, B.P.L.WORKS
PALAKKAD.

BY ADV. SRI.T.V.PRABHAKARAN

RESPONDENTS:
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1. A.K. BABU, S/O. KUMARAN, POOLAKAL PARAMBU
EDATHARA.

2. STATE REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.
(CRIME No.139 OF 1991 OF TOWN SOUTH POLICE STATION, PALAKKAD.)

BY ADV. PUBLIC PROSECUTOR
SRI.S.VIJAYAKUMAR

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 12/03/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.R.UDAYABHANU, J

Crl.R.P.No.1060 of 1999-A

Dated this the 12th day of March, 2007

ORDER

Revision petitioner is the defacto complainant in C.C.13/1993 in the file of the Judicial First Class Magistrate-III, Palakkad with respect to the offence under Section 381 and 414 IPC. The court below as per the order dated 19.2.1999 acquitted the accused in the light of the ratio of the decision in Raj Deo Sharma vs. State of Bihar (1998(2) KLJ 815 SC). It is challenging the above order of the court below that the revision petition has been filed.

2. Subsequently, the larger Bench of the supreme court as per the judgment in Ramachandra Rao vs. State of Karnataka (2002(2) KLT 189 SC) reversed ratio of the decision in Raj Deo Sharma's case (op.cit). In the circumstances, the order of the court below acquitting the accused on the basis of the ratio of the above decision cannot be sustained. In the result, the judgment of the Judicial First Class Magistrate-III, Palakkad is set aside. The court below is directed to further proceed with

the trial. The accused shall appear before the Judicial First Class Magistrate Court-III, Palakkad on 25.4.2007. The court below shall try the case and dispose of the same on merits at the earliest.

The criminal revision petition is disposed of as above.

K.R.UDAYABHANU,
JUDGE

ks.

K.R.UDAYABHANU, J

CRL.R.P.NO.1060 OF 1999-A

ORDER

12-3-2007

K.R.UDAYABHANU, J

Crl.R.P.No.929 of 1997

ORDER

26th February, 2007